

## Department of Energy

## § 770.7

way that enhances the production, distribution, or consumption of goods and services in the surrounding region(s) and furthers the public policy objectives of the laws governing the downsizing of DOE's defense nuclear facilities.

*Excess Real Property* means any property under DOE control that the Field Office, cognizant program, or the Secretary of Energy have determined, according to applicable procedures, to be no longer needed.

*Field Office Manager* means the head of the DOE Operations Offices or Field Offices associated with the management and control of defense nuclear facilities.

*Hazardous Substance* means a substance within the definition of "hazardous substances" in subchapter I of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601(14)).

*Indemnification* means the responsibility for reimbursement of payment for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage, including business losses consistent with generally accepted accounting practices, which involve the covered real property transfers. Indemnification payments are subject to the availability of appropriated funds.

*Person or Entity* means any state, any political subdivision of a state or any individual person that acquires ownership or control of real property at a defense nuclear facility.

*Pollutant or Contaminant* means a substance identified within the definition of "pollutant or contaminant" in section 101(33) of CERCLA (42 U.S.C. 9601(33)).

*Real Property* means all interest in land, together with the improvements, structures, and fixtures located on the land (usually including prefabricated or movable structures), and associated appurtenances under the control of any federal agency.

*Release* means a "release" as defined in subchapter I of CERCLA (42 U.S.C. 9601(22)).

*Underutilized Real Property or Temporarily Underutilized Real Property* means the entire property or a portion of the

real property (with or without improvements) that is used only at irregular intervals, or which is used by current DOE missions that can be satisfied with only a portion of the real property.

### **§ 770.5 How does DOE notify persons and entities that defense nuclear facility real property is available for transfer for economic development?**

(a) Field Office Managers annually make available to Community Reuse Organizations and other persons and entities a list of real property at defense nuclear facilities that DOE has identified as appropriate for transfer for economic development. Field Office Managers may use any effective means of publicity to notify potentially-interested persons or entities of the availability of the list.

(b) Upon request, Field Office Managers provide to interested persons and entities relevant information about listed real property, including information about a property's physical condition, environmental, safety and health matters, and any restrictions or terms of transfer.

### **§ 770.6 May interested persons and entities request that real property at defense nuclear facilities be transferred for economic development?**

Any person or entity may request that specific real property be made available for transfer for economic development pursuant to procedures in § 770.7. A person or entity must submit such a request in writing to the Field Office Manager who is responsible for the real property.

### **§ 770.7 What procedures are to be used to transfer real property at defense nuclear facilities for economic development?**

(a) *Proposal*. The transfer process starts when a potential purchaser or lessee submits to the Field Office Manager a proposal for the transfer of real property that DOE has included on a list of available real property, as provided in § 770.5 of this part.

(1) A proposal must include (but is not limited to):

(i) A description of the real property proposed to be transferred;